IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 36034 of 2007(M)

OS.1371/2005 of Munsiff Court, Ernakulam

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PETITIONER:

Tenny Xavier, S/o. K.K. Xavier,
Konnoth House, Thrikkanarvattom Desom,
Ernakulam Village, Kanayannur Taluk.

BY ADV. SRI.P.V.BABY

RESPONDENTS:

Beety, W/o. Soloman, Koyilparambil House,
Rameswaram Padinjare Muri,
KLazhuthumuttu P.O.,
Mattanchery Village, Kochi Taluk.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 5/12/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.36034 of 2007

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Dated this the 5th day of December, 2007.

JUDGMENT

This writ petition is filed with a prayer to issue an order of status quo as on today with regard to the construction of northern side compound wall in the B schedule property mentioned in Ext.P1 suit.

2. The first plaintiff is the writ petitioner before this court. I am informed that he has already moved Ext.P6 application on 1.12.07 under Order 41 Rule 5(2) of the C.P.C. to stay the judgment and decree in Ext.P1 suit. I am informed that it was posted to 1.12.2007, later adjourned to 3.12.07 and posted again to 6.12.07. I direct the court below to consider Ext.P6 application on 6.12.2007 itself and pass orders. It is for that court to decide the question whether the matter has to be stayed or interim direction has to be given and this court is not exercising its jurisdiction under Article 227 of the Constitution of India.

Writ Petition is disposed of as above.

M.N.Krishnan,
Judge.

cd/ess 5/12